

HOUSE BILL 310  
By Coleman

AN ACT to amend Tennessee Code Annotated, Title 37,  
relative to limiting damages for actions arising in  
torts for community mental health centers and  
child care agencies contracting with the state.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 37, Chapter 5, Part 5, is amended by  
adding the following new section:

§ 37-5-520.

Child care agencies and community mental health centers as defined in title 33,  
chapter 1, part 1, that are exempt from federal income taxation under 501(c)(3) of the  
Internal Revenue Code, shall not be liable for damages in an amount exceeding three  
hundred thousand dollars (\$300,000) per claimant and one million dollars (\$1,000,000)  
per occurrence for actions arising in tort during the time the child care agencies and  
community mental health centers are contracting with the department of children  
services to provide residential services for children in state custody, for claims made by  
or on behalf of such children. This limitation of liability shall not be applicable to willful,  
malicious, or criminal acts or omissions.

SECTION 2. This act shall not be applicable to claims that are within the jurisdiction of  
the Tennessee Claims Commission, or to persons or entities immune from liability under  
Tennessee Code Annotated, Title 9, Chapter 8, Part 3.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring  
it.